

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4138 of 2007

Dated:02.03.2007

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Between:

-
Smt. Baru Bharathamma and others.

...PETITIONERS

and

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Hyderabad, and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4138 of 2007

ORDER:

Three petitioners are residents of Kollampally Village, Narayanpet Mandal, Mahabubnagar District. They filed instant writ petition seeking invalidation of the order of the Government, being G.O.Ms.No.52, dated 24.06.2006 passed under Section 8(2) of the Andhra Pradesh (Schedule Castes, Schedule Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (the Act, for brevity) setting aside the order of second respondent, namely, the District Collector, dated 19.06.2004. Be it noted, second respondent by said order dated 19.06.2004 declared fourth respondent as not belonging to Schedule Caste (SC).

The case of the petitioners is that fourth respondent is not a person belonging to SC but belonging to Christian Community and that she married to a Christian under Christian Marriage Act and therefore, she cannot be elected as a Member of Mandal Parishad Territorial Constituency (MPTC) of Narayanpet Mandal, which is reserved for a person belonging to SC. The petitioners also contend that fourth respondent married to one Mr. K. Ramu on 30.10.2001 at Shalem Church, Kollampally, and that on a complaint made, second respondent got an enquiry conducted by the District Level Scrutiny Committee (DLSC). But fourth respondent did not turn up, in spite of receiving number of notices, and therefore, basing on the evidence, DLSC submitted a report to second respondent, who passed orders on

19.06.2004 holding that fourth respondent does not belong to SC. The petitioners further contend that first respondent erroneously set aside the order of second respondent and if there was no evidence, the matter ought to have been remanded to second respondent.

After hearing Sri V. Mani Shekhar, representing Sri Prabhakar, the learned counsel for the petitioners, and the learned Assistant Government Pleader for Social Welfare, this Court is not able to agree with the submission of the learned counsel for the petitioners that the petitioners have *locus standi* in the matter. Secondly first respondent, on considering the entire evidence and the report of second respondent, came to the conclusion that there was no evidence to hold that fourth respondent does not belong to SC. First respondent also relied on electoral rolls to come to the conclusion that fourth respondent does belong to SC. The petitioners have no *locus standi* to challenge the community/social status of a person when appropriate authorities constituted under the Act have come to a conclusion about such status.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

(V.V.S.RAO, J)

02nd March, 2007
ghn